

## RULEMAKING NOTICE FORM

Notice Number _____	Rule Number _____	Env-A 607.01(aa) - (ad)
1. Agency Name & Address:  Department of Environmental Services 29 Hazen Drive P.O. Box 95 Concord, NH 03302-0095	2. RSA Authority: RSA 125-C:4; RSA 125-O:8 3. Federal Authority: N/A 4. Type of Action: Adoption _____ Amendment <b>X</b> _____ Repeal _____ Readoption _____ Readoption w/amendment _____	
5. Short Title: Specific Applicability for Temporary Permits		

6. (a) Summary of what the rule says and the effect of the rule on those regulated:

The existing rule identifies the activities for which a temporary permit is required under RSA 125-C, relative to control of air emissions, including nitrogen oxides (NO<sub>x</sub>)-emitting generation sources as defined in Env-A 3702. The proposed amendment clarifies that temporary permits are required for NO<sub>x</sub> budget sources as defined in Env-A 3203 and carbon dioxide (CO<sub>2</sub>) budget sources as defined in Env-A 4602, and clarifies the language relative to NO<sub>x</sub>-emitting generation sources.

6. (b) Brief description of the groups affected:

The rules affect owners or operators of nitrogen oxides (NO<sub>x</sub>) budget sources as defined in Env-A 3203 and carbon dioxide (CO<sub>2</sub>) budget sources as defined in Env-A 4602.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule	State Statutes Implemented
Env-A 607.01(aa)	RSA 125-C:11; RSA 125-I
Env-A 607.01(ab) and (ac)	RSA 125-C:11; RSA 125-J; RSA 125-O
Env-A 607.01(ad)	RSA 125-C:11; RSA 125-O

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name:	Joe Fontaine	Title:	Trading Programs Manager
Address:	Department of Environmental Services 29 Hazen Drive P.O. Box 95 Concord, NH 03302-0095	Phone #:	(603) 271-6794
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The rules also can be viewed in PDF at

<http://des.nh.gov/organization/commissioner/legal/rulemaking/index.htm>

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Monday, March 2, 2009, at 4 p.m.**

☒ Fax

☒ E-mail

☐ Other format (specify):

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9. Public hearing scheduled for:

Date and Time: **Wednesday, February 18, 2009, at 9:30 a.m.**

Place: **Rooms 110-111, DES offices, 29 Hazen Drive, Concord, NH 03301**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 08:278 , dated 12/22/08

See Attached.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The proposed rules do not create, expand, or modify any program or responsibility in such a way as to necessitate additional local expenditures by political subdivisions. The rules thus do not violate Part I, Article 28-a of the New Hampshire Constitution.